



Date: January 28, 2015

To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Jose L. Lopez, Sr., Chief of Police
Subject: To Execute a Contract with Morris & McDaniel, Inc. for \$155,000 to conduct Promotion Testing and Assessment Services.

Executive Summary

The Durham Police Department seeks to enter a contract for police promotion testing and assessment for the ranks of Corporal, Sergeant, Lieutenant, and Captain. The current eligibility lists for those ranks expire on April 7th, 2015. The Corporal and Sergeant's eligibility lists will have been depleted before the lists expire. Conducting the promotion process will become especially critical when a good number of sworn officers, including many command personnel, will reach retirement eligibility in the next three years. Typically, a costly Job Task Analysis (JTA) is conducted preparatory to testing and assessment for promotion. The City will save money by using the still valid, current JTA conducted in early 2012 by Ergometrics & Applied Personnel Research, Inc.

Recommendation

That City Council authorizes the City Manager to execute a contract in the amount of \$155,000.00 with Morris & McDaniel, Inc., for police promotional and testing assessment services.

Background

The Police Department was nationally accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), in the early 1990s; and has been reaccredited every three years since.

The job task analyses, internal and City job descriptions, and the data from the focus groups should be the main source for selection criteria used in promoting police officers. The tasks outlined the analyses and job descriptions, and by the focus groups, are related not only to the general duties of North Carolina officers and law enforcement officers in general, but specifically for the job tasks assigned within the Durham Police Department. Therefore, designing questions and assessment exercises around those tasks as part of the promotion assessment should result in better qualified officers. Assessments will be validated (proven to be job related) and should have less adverse impact on any group. Using documented essential functions will also assist in a response to any ADA related challenges.

The need for promotions is based on attrition, such as retirements or incumbents being promoted to higher ranks. Promotions to higher ranks, such as Captain, may result in as many as four lower-level promotions (Captain, Lieutenant, Sergeant, and Corporal). With

each promotion comes the need to learn new duties quickly and provide continuity in leadership for the department.

The officers promoted with this upcoming promotion process will be critical to the success of the police department. A majority of senior police commanders will be retiring in the next few years, there is new technology and police methodologies, particularly in the area of crime analysis and prevention, and the newly promoted officers will need to have the qualifications and promotional potential to excel in their new positions. Of particular importance will be utilizing a consultant familiar with police operations, CALEA accreditation and current best practices in police promotions.

The last promotion process was conducted in 2013 through a contract with a consultant. That process resulted in an eligibility list which will expire in April of this year. A new list will be needed to fill upcoming vacant ranking positions.

For this promotion process, the department solicited proposals nationally for consulting firms meeting the qualifications in the RFP (Promotional Assessment Services). Three (3) candidates submitted proposals and all three (3) met the RFP criteria. The candidates are Morris and McDaniel, Inc., Booth Research Group, Inc., and Fields Consulting Group, Inc. A committee consisting of Giancarlo Ladaga, Police Personnel Manager/Project Manager, City of Durham Police Department; Shawn Hughey, Business Services Manager, City of Durham Police Department; Winslow Forbes, Assistant Chief, City of Durham Police Department; Edward Sarvis, Assistant Chief, City of Durham Police Department; and James O'Donnell, Human Resources Manager, City of Durham was formed for this RFP. The committee met to review the proposals using the rating forms included in the City's current RFP model.

All three (3) consulting firms who met the RFP criteria in their proposals were deemed to be qualified, with previous experience with police promotional assessment centers, and a good reputation within the business community with a range of prices and approaches. Morris and McDaniel, Inc. though not the lowest bid, was deemed to be the clear leader and best choice by all committee members. They not only have experience in having performed the last promotion assessment center with the Durham Police Department but have also accepted and worked with our current job task analysis' which were created by Ergometrics and Applied Personnel Research, Inc. in 2012. They have a record of superior performance which extends over thirty-eight (38) years and have been recognized by the Society of Industrial Organizational Psychology as "an authoritative source" in the area of building E.E.O. defensibility into tests and personnel systems. Furthermore, the Morris and McDaniel proposal was sufficiently detailed to demonstrate exactly what would be done, with examples and references from other job task analyses and police assessments. Their previous experience with the Durham Police Department and the level of detail clearly demonstrated their knowledge of job task analysis, police assessment centers, diversity issues, and validation.

Issues and Analysis

Promotional assessment tools and selection measures should be based on up-to-date job-task analyses, job descriptions and job-related measurements of qualifications that do not have an adverse impact on any group. Assessments using up-to-date job-task analyses and incorporating job-related measures have been proven to be successful predictors of success in industry research in general, and in other Durham Police promotional processes.

A promotional process lacking these elements may result in greater liability for the department in case of an ADA challenge or if the police selection and/or promotion processes based on them were challenged by an unsuccessful (and possibly more-qualified) applicant. The basis for the challenge might be that the selection measures were not useful, valid, or were discriminatory.

A selection process that does not meet the requirements of the accreditation standards, all of which are mandatory, may put re-accreditation at risk. Most seriously, a promotional process lacking these elements may not produce the leadership necessary to meet the challenges of the next few critical years.

Alternatives

If there is to be a promotional process, the only viable alternative would be for the department to use internal resources, through the Police and Human Resources Departments. Internal promotional assessments have not occurred since the late 1990's and using internal resources would be problematic for several reasons:

- Members of both the Police and Human Resources Departments are currently facing the challenges and demands of their respective departments, a new compensation and classification plan, budget issues that may involve reductions in force, and other urgent priorities. Using internal resources would delay the promotions and interrupt police operations, particularly if the promotional eligibility list expires before a new list is generated.
- There have been changes in some assignments (i.e., HEAT), technology, and some general orders since the last promotion process, and therefore, the last promotional selection measures could not be used or adapted and still retain their validity.
- Ongoing re-accreditation efforts require the most professional promotional assessment measures, with proven validity as outlined in the proposal from Morris & McDaniel, which may enhance the department's chances with the assessors.
- In case of a challenge by an unsuccessful applicant, a validated selection process by an experienced professional would reduce liability for the City. The contract outlines the consultant's role in representing the Department in any court case challenging the promotion process.
- Finally, the officers may be more confident in a selection process conducted by a professional consultant utilizing nationally recognized best practices and incorporating Durham Police Department specific tasks and general orders as has been proposed in the past.

Financial Impact

The Department recommends entering a contract with Morris and McDaniel, Inc., the firm chosen by the selection committee with a bid of (\$155,000.00) for the RFP: Police Promotional Assessment Services. The Department will be using asset forfeiture funds to pay for the service. There will be no financial impact to the general fund. The total amount of forfeiture funds requested is \$155,000.00.

SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by Morris & McDaniel, Inc. of Alexandria, Virginia and have determined that they are in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

Attachments**SDBE REQUIREMENTS**

No MSDBE or WSDBE goals were set.

WORKFORCE STATISTICS

Workforce statistics for Morris & McDaniel, Inc. are as follows:

Total Workforce	18	
Total Females	13	(72%)
Total Males	5	(28%)
Black Males	0	(0%)
White Males	5	(28%)
Other Males	0	(0%)
Black Females	0	(0%)
White Females	12	(67%)
Other Females	1	(5%)